

<i>COMMITTEE</i>	STANDARDS COMMITTEE
<i>DATE</i>	TUESDAY, 18 MARCH 2003
<i>TITLE OF REPORT</i>	BEST PRACTICE UPDATE
<i>RESPONSIBLE OFFICER</i>	Mark Bowen, assistant director, legal and contract services

1 PURPOSE OF REPORT

1.1 To advise members of recent developments on the introduction of good practice codes for regulating the conduct of planning applications

2 RECOMMENDATION

2.1 It is recommended that following consultation, Medway Council adopts a Planning Code of Conduct as a part of the Constitution.

3 DECISION ISSUES

3.1 The Constitution requires the Standards Committee to advise on best practice.

4 PLANNING CODES OF CONDUCT

4.1 It is increasingly being accepted as good practice that local authorities should adopt formal codes of good practice for dealing with planning applications.

4.2 The Association of Council Secretaries and Solicitors has produced a draft model code of practice for members considering planning applications. A copy is attached to this report.

4.3 The code identifies good practice, ensures certainty and gives further guidance to members around matters as significant as:

- Attending presentations by developers
- Conduct at site meetings
- Combining the role of ward councillor with a member of a planning committee
- Training and a range of other matters

- 4.4 This committee's role is to advise the council of developments of best practice initiatives and, therefore if it is considered appropriate for Medway to adopt a members' code of conduct on planning matters, a recommendation should be made to Council after appropriate consultation with all members, particularly those involved in the planning and development control process. Given the forthcoming election it is considered that the introduction of a code of conduct should be something taken up at an early stage by the new council when it reviews the Constitution.
- 4.5 If members agree to the merits of adopting a planning code of conduct then, there are two options:
- 4.5.1 It can formally be incorporated into the members' code of conduct. In these circumstances that incorporation would need approval from the Standards Board. Also until the Section 66 Regulations are brought into force, then enforcement of the code would be via the Standards Board.
- 4.5.2 The planning code could be introduced as a chapter of the Medway Constitution which would leave enforcement as a local issue.
- 4.6 The second course of action is the one recommended to members.
- 4.7 If a code were adopted then in addition to giving members greater protection and guidance, it would also make planning decisions made more secure from challenge providing that compliance of the code could be demonstrated.

5 FINANCIAL AND LEGAL IMPLICATIONS

- 5.1 The legal implications are contained in the report.
- 5.2 There are no financial implications directly arising at this stage.